

Notice of Allowability

Application No.

09/751,314

Examiner

Sanza L McClendon

Applicant(s)

ZHOU ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/10/2004.
2. ☒ The allowed claim(s) is/are 1-7,9-14,23,24 and 26-33.
3. ☒ The drawings filed on 20 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on June 10, 2004, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 8, 15-22, and 25.

Response to Arguments

2. Applicant's arguments, see Amendment, filed June 10, 2004, with respect to claims 1-33 have been fully considered and are persuasive. The rejection of claims 1-7, 11-19, 21, 23-24 and 29-33 under 35 USC 102(b) as being anticipated by Brandon et al (5,916,203) has been withdrawn. The rejection of claim 28 under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over Brandon et al (5,916,203) has been withdrawn. The rejection of claims 1-23 under the judicially created doctrine of obviousness-type double patenting has been rendered moot with the abandoning of application serial number 10/227,688 and therefore withdrawn.

Allowable Subject Matter

3. Claims 1-7, 9-14, 23-24, and 26-33 are allowed.

4. The following is an examiner's statement of reasons for allowance: The primary reason for allowance is the inclusion of the microwave power being greater than about 1.0 kW in the claims. . The prior art made of record teaches using microwave energy with a power of about at least 300 to about 500 watt, therefore it is the examiner opinion that it would have not been obvious for a artisan of ordinary skill in the art to use microwave energy in a method on making a materials with controlled

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shrinkage having a power greater than 1.0 kW. The prior art fails to teach using microwave radiation having a power as specified in applicant's instantly claimed invention and is therefore distinguished over the prior art

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon
Examiner

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A handwritten signature in black ink, appearing to read 'J. Seidleck', with a stylized flourish at the end.

James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700